

REMARKS

By this Amendment, Applicants have amended the specification to add text previously deleted by the Preliminary Amendment of May 25, 2001. In the Preliminary Amendment, Applicants had submitted a Replacement Appendix A. Replacement Appendix A is missing page 21 of the Appendix A originally filed with the application. Accordingly, by this Amendment, Applicants have added the missing text from page 21 of original Appendix A.

In the last Office Action, the Examiner rejected claims 1-9, 11-19, and 21-19 under 35 U.S.C. § 102(a) as anticipated by "Java Machine Profiler Interface (JVMPi)" (i.e., Appendix A of the specification).

Applicants respectfully traverse the rejection because Sheng Liang, one of the named inventors for the present application, authored the cited reference. Further, to the extent Appendix A of the specification describes the invention(s) in the present application, Mr. Liang and co-applicant Steffen Grarup are the inventors. A Declaration Under 37 C.F.R. § 1.132 executed by Mr. Liang verifying the above is attached.

Accordingly, for at least the above reasons, Appendix A of the specification does not qualify as prior art under 35 U.S.C. § 102(a), and the rejection of claims 1-9, 11-19, and 21-19 should be withdrawn.

CONCLUSION

Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Applicants note that the Office Action contains numerous statements reflecting apparent assertions concerning the related art and claims. Regardless of whether any

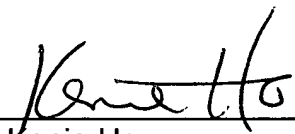
such statement is addressed specifically herein, Applicants decline to automatically subscribe to any assertions or characterizations set forth in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 23, 2006

By: 
Kenie Ho
Reg. No. 51,808

Attachments: Declaration Under 37 C.F.R. § 1.132